

ORIGINAL

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OF COUNSEL TO  
MUNGER CHADWICK, P.L.C.



ADMITTED TO PRACTICE IN:  
ARIZONA, COLORADO, MONTANA,  
NEVADA, TEXAS, WYOMING,  
DISTRICT OF COLUMBIA

June 30, 2010

Docket Control  
Arizona Corporation Commission  
1200 West Washington  
Phoenix, Arizona 85007

RECEIVED  
2010 JUL -1 A 10:14  
ARIZONA CORPORATION COMMISSION  
DOCKET CONTROL

Re: Tierra Linda Homeowners Association, Inc. and Gary Smyth  
Docket Nos. W-20689A-09-0327 and W-04236A-09-0327

To Whom It May Concern:

Pursuant to the May 21, 2010 Procedural Order issued in the above-referenced and docketed proceeding, enclosed for filing are the original and fifteen (15) copies of the Affidavit of Publication ("Affidavit") attesting to publication of the "Public Notice Of Hearing" ("Notice") in The Daily Territorial on June 15, 2010 and June 16, 2010. In addition, and also pursuant to the aforesaid Procedural Order, a copy of the Notice was mailed on June 10, 2010 to all properties in Tierra Linda Homeowners Association's service area. The original and fifteen (15) copies of that Notice, and the Affidavit of Mailing attesting to the same, are also enclosed for filing.

Two (2) additional copies of the Affidavits and Notice are included within this mailing. I would appreciate it if you would "filed" stamp the same and return them to me in the enclosed stamped and addressed envelope.

Thank you for your assistance with regard to this matter.

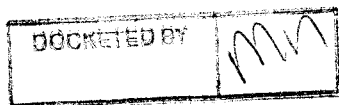
Sincerely,

Angela R. Trujillo  
Secretary

Lawrence V. Robertson, Jr.

Arizona Corporation Commission  
DOCKETED

JUL - 1 2010



# THE DAILY TERRITORIAL

## AFFIDAVIT OF PUBLICATION

STATE OF ARIZONA )  
COUNTY OF PIMA ) SS.

Monica Akyol being first duly sworn, deposes and says that (s)he is the Inside Sales Manager of **THE DAILY TERRITORIAL**, a daily newspaper printed and published in the County of Pima, State of Arizona, and of general circulation in the City of Tucson, County of Pima, State of Arizona and elsewhere, and the hereto attached:

### PUBLIC NOTICE OF HEARING

Tierra Linda Homeowners Association, Inc. September 13, 2010 /  
Docket Nos. W-20689A-09-0327 and W-04236A-09-0327)

was printed and published correctly in the regular and entire issue of said **THE DAILY TERRITORIAL** for 2 issues; that was first made on the 15th day of June 2010 and the last publication thereof was made on the 16th day of June 2010; that said publication was made on each of the following dates, to-wit;

06/15/10  
06/16/10

At the Request of: Smyth Utility Management

by [Signature], Inside Sales Manager subscribed and  
sworn to before me this 16th day of June 2010.



CELINDA ARGUE  
Notary Public - Arizona  
Pima County  
Expires 10/31/2011

[Signature]  
Notary Public in and for the County of Pima, State of Arizona

My commission expires: October 31, 2011

HEARING NOTICE  
**PUBLIC NOTICE OF HEARING ON  
THE APPLICATION OF TIERRA  
LINDA HOMEOWNERS ASSOCIA-  
TION, INC., FOR APPROVAL OF  
SALE OF ASSETS AND TRANSFER  
OF CERTIFICATE OF CONVEN-  
IENCE AND NECESSITY.**  
(Docket Nos. W-20689A-09-0327 and  
W-04236A-09-0327)

**Summary**

On June 26, 2009, Tierra Linda Home-owners Association, Inc., ("Applicant") filed with the Arizona Corporation Commission ("Commission") an application for approval to sell its water system assets and transfer its Certificate of Convenience and Necessity to Gary Smyth. The Commission's Utilities Division ("Staff") has not yet made a recommendation regarding the Applicant's application, and the Commission is not bound by the proposals made by the Applicant, Staff, or any intervenors. The Commission will issue a decision regarding the Applicant's application following consideration of testimony and evidence presented at an evidentiary hearing.

**How You Can View or Obtain a Copy of the Application**

Copies of the application are available at the Applicant's offices at 4010 East Illinois #100, Tucson, Arizona, 85714 and at the Commission's offices at 1200 West Washington, Phoenix, Arizona, and the Commission's Tucson offices at 400 West Congress, for public inspection during regular business hours and on the internet via the Commission website ([www.azcc.gov](http://www.azcc.gov)) using the e-docket function.

**Arizona Corporation Commission  
Public Hearing Information**

The Commission will hold a hearing on this matter beginning **September 13, 2010, at 10:00 a.m.**, at the Commission's offices, 400 West Congress, Room 222, Tucson, Arizona. Public comments will be taken on the first day of the hearing. Written public comments may be submitted via e-mail (visit [http://www.azcc.gov/divisions/utilities/forms/public\\_comment.pdf](http://www.azcc.gov/divisions/utilities/forms/public_comment.pdf) for instructions), or by mailing a letter referencing Docket Numbers W-20689A-09-0327 and W-04236A-09-0327 to: Arizona Corporation Commission, Consumer Services Section, 1200 West Washington, Phoenix, AZ 85007. If you require assistance, you may contact the Consumer Services Section at (800) 222-7000 or (520) 628-6550.

**About Intervention**

The law provides for an open public hearing at which, under appropriate circumstances, interested parties may intervene. Any person or entity entitled by law to intervene and having a direct and substantial interest in the matter will be permitted to intervene. **If you would like to intervene, you must file a written motion to intervene with the Commission no later than July 30, 2010.** You must send copies of the motion to the Applicant or its counsel, and to all parties of record in the case. Your motion to intervene must contain the following:

1. Your name, address, and telephone number and the name, address and telephone number of any party upon whom documents are to be served in your place, if desired;
2. A short statement of your interest in the proceeding (e.g., a customer of the Applicant, a shareholder of the Applicant, etc.); and
3. A statement certifying that a copy of the motion to intervene has been mailed to the Applicant or its counsel and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that **all motions to intervene must be filed on or before July 30, 2010.** If representation by counsel is required by Rule 31 of the Rules of the Arizona Supreme Court, intervention will be conditioned upon the intervenor obtaining counsel to represent the intervenor. For information about requesting intervention, visit the Arizona Corporation Commission's webpage at <http://www.azcc.gov/divisions/utility/forms.asp>. The granting of intervention,

among other things, entitles a party to present sworn evidence at the hearing and to cross-examine other witnesses. However, failure to intervene will not preclude any customer from appearing at the hearing and making a statement on such customer's own behalf.

**ADA/ Equal Access Information**

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting the ADA Coordinator Shaylin Bernal, E-mail [SBernal@azcc.gov](mailto:SBernal@azcc.gov), voice phone number (602)542-3931. Requests should be made as early as possible to allow time to arrange the accommodation.

**PUBLISH: The Daily Territorial  
June 15, 16, 2010  
hrtierra dc**

**AFFIDAVIT OF MAILING**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
STATE OF ARIZONA )

) ss. **AFFIDAVIT OF MAILING**

County of Pima )

I, Gary Smyth, being first duly sworn, depose and  
(Name of person that mailed letter)

state that I mailed, by regular first class mail, on 6/10/10,

a copy of the attached Public Notice of Hearing on the Application of Tierra Linda Homeowners Association, Inc., for Approval of Sale of Assets and Transfer of Certificate of Convenience and Necessity (Docket Nos. W-20689A-09-0327 and W-04236A-09-0327). This was mailed to all properties in Tierra Linda HOA's service area (see attached list).

Dated this 10th day of June, 20 10.  
(Today's Date)

[Signature]  
(Signature)

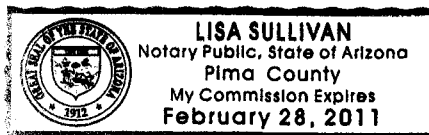
Gary Smyth  
(Print Name)

SUBSCRIBED AND SWORN TO before me this 10th day of

June, 20 10.

[Signature]  
Notary Public

2/28/2011  
My Commission Expires:



**PUBLIC NOTICE OF HEARING ON THE APPLICATION OF TIERRA  
LINDA HOMEOWNERS ASSOCIATION, INC., FOR APPROVAL OF  
SALE OF ASSETS AND TRANSFER OF CERTIFICATE OF  
CONVENIENCE AND NECESSITY.**

**(Docket Nos. W-20689A-09-0327 and W-04236A-09-0327)**

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